Remark

The Office has asserted that the response filed June 2, 2003 was not fully responsive because the election with respect to Group I was unclear. Specifically, the Office wishes to know if, under the species election of species no. 1, a library of the material elected, nucleic acids, also was specifically elected. Applicant did not elect a library, and does not elect a library here.

Applicant has elected Claim Group I, claims 1-23 and 27. Under this Group, Applicant has elected the species "nucleic acids" and the synthesis methodology wherein the materials are synthesized on the carrier in two or more stages from monomeric or/and oligomeric building blocks. Under Species 2, an illumination matrix involving transmitted light was elected.

The Office deems it unclear whether claim 16 would read on the species that were elected and requests clarification with respect to this claim. Claims 1-23 and 27 are the elected claims. Claims 1-12, 18, 21 and 27 are considered generic by the Office and therefore are considered to read on the elected species. Claim 16 recites a "substance library comprising a multiplicity of different biologically or chemically functional materials...generated on the carrier." This claim therefore reads on the species "nucleic acids" because a "multiplicity" of nucleic acids reads on "nucleic acids." Applicants submit, therefore, that claims 1-23 and 27 read on the species "nucleic acids."

The Office also has requested clarification with respect to the species elected under Species 2, specifically concerning claims 17, 22 and 23. Applicants have elected a transmittal light illumination matrix. Claim 17 relates to methods characterized in that activation comprises clearing a protected group. This claim reads on methods involving transmitted light. Claim 22 relates to

methods in which the carrier is precalibrated using the illumination and sensor matrices. This claim also reads on methods in which transmitted light is used. Claim 23 relates to methods which comprise removing materials synthesized on the carrier. This claim also reads on species involving an illumination matrix involving transmitted light. Applicants submit that claims 1-4, 7-20 and 22-23 read on species involving transmitted light as elected under Species 2.

Applicants believe that the restriction of the claims is not proper in this case for the reasons discussed in the previous response. Claim 1 of Group I recites that the carrier exposure is optionally "controlled by means of a light sensor matrix, in particular a CCD matrix." Claim 24 of Group II recites "use of a controllable illumination matrix... in a light-emission detector for detecting the optical behavior of a 2- or 3-dimensional test area" carrying functional materials. Therefore the two claim groups share the special technical feature of controlling light exposure of a carrier coated with biologically or chemically functional materials and using a controllable illumination matrix to do so. The claim groups should be examined together.

Applicants request reconsideration of the restriction requirement and consideration of all of claims 1-27 on the merits at this time.

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